



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

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Anchorage, Alaska 99501
<http://www.ak.blm.gov>



Determination of NEPA Adequacy (DNA)

Temporary Use Permit to Authorize Land Use for Highway By-Pass at Dalton Highway Milepost 166.8

DOI-BLM-AK-9940-2009-0010-DNA

BLM Office: Office of Pipeline Monitoring

Tracking Number: DOI-BLM-AK-9940-2009-0010-DNA

BLM Case File No. FF 095558

Proposed Action Title: Temporary Use Permit to Authorize Land Use for Highway By-Pass at Dalton Highway Milepost 166.8

Location and Legal Land Descriptions of Proposed Action: The site is located along the Dalton Highway at milepost 166.8 and Trans-Alaska Pipeline System (TAPS) at pipeline mileposts (PLMP) 246.18 as depicted in Exhibit 1, located in T. 27 N., R. 13 W., Sec 23, NW $\frac{1}{4}$, Fairbanks Meridian, Alaska.

Applicant: Alyeska Pipeline Service Company, P.O. Box 196660, MS 502, Anchorage, AK 99519-6660

A. Description of the Proposed Action and any applicable mitigation measures:

BLM proposes to issue a Temporary Use Permit (TUP) to allow the use of land along the Dalton Highway and TAPS right-of-way to construct a temporary by-pass during maintenance of the TAPS pipe under the Dalton Highway. In order to protect the TAPS pipe against corrosion and avoid potential environmental damage the casing around the 48" pipeline buried under the Dalton Highway will be excavated. The area required for the by-pass outside of the highway right-of-way and the TAPS right-of-way is approximately 75' wide by 385' long, involving approximately 0.66 acres.

Mitigation Measures:

1. The Temporary Use Permit (TUP) shall be subject to the terms, conditions and stipulations of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline between the United States of America and Amerada Hess Corporation., et. al. dated January 8, 2003, which became effective on January 22, 2004. It shall be provided, however, that in the event of a conflict, either express or implied, between any provisions of the Agreement and any provision of the TUP, such conflict shall be resolved in favor of this TUP.
2. The TUP area limits shall be staked prior to commencement of surface disturbing activities.
3. The TUP area shall be restored according to the satisfaction of the BLM Office of Pipeline Monitoring (OPM) Authorized Officer, as stated in writing.
4. Construction activities shall be conducted to minimize disturbance to existing vegetation.
5. Fuel storage is not allowed within the TUP area.
6. Temporary trash storage is not allowed in the TUP area. Waste materials will be removed from the TUP area to appropriate facilities on a regular basis.
7. The BLM/OPM Authorized Officer may require that his authorized representative be on site during operations conducted under this TUP. The permit holder will notify the Fairbanks Office Manager of the BLM at 907-474-2383 during regular business hours at least 48 hours prior to entry into the TUP area.
8. Alyeska shall inform and ensure compliance with these stipulations by its agents, employees, and contractors (including subcontractors at any level).
9. This TUP applies to lands under jurisdiction of the Bureau of Land Management.
10. If excavation dewatering is required, such activities shall prohibit permanent changes to natural drainage systems, avoid pollution or sedimentation of waters used by fish, and the site shall be restored to pre-project conditions.
11. Activities shall be conducted in such a manner as to not cause damage or disturbance to any historical or archaeological sites and artifacts. The Antiquities Act (1906), Archeological Resources Protection Act (1979), Federal Land and Policy Management Act (1976), and general United States property laws and regulations, all prohibit the appropriation, excavation, damage, or destruction of any historic or prehistoric ruin or monument, or any other object of antiquity situated on lands owned or controlled by the United States (16 U.S.C. 432; 16 U.S.C 470; 18 U.S.C. 641; 18 U.S.C. 1361; 43 U.S.C. 1733(a); 43 CFR 8365.1). Such items include both prehistoric stone tools and sites, as well as historic log cabins, remnants of such structures, refuse dumps, and other such features. Also, collection of vertebrate fossils, including mammoths and mastodon bones, tusks, etc., is strictly prohibited. If any such site is discovered during the permitted activity, the permittee shall suspend all operations in the immediate area of such discovery and notify the BLM/OPM

Authorized Officer (907-257-1300) and the BLM Fairbanks District Office cultural resource personnel (907-474-2200). Written authorization to proceed will be issued by the BLM/OPM Authorized Officer to resume operations.

12. The permittee shall be responsible for preventing the spread of non-native, invasive plant species caused by operations on the public lands. Permittees are advised to be familiar with non-native, invasive plant species in Alaska and to take measures to avoid contributing to the spread of such plants.

B. Land Use Plan (LUP) Conformance

1. The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decision:

Utility Corridor Resource Management Plan/Environmental Impact Statement RECORD OF DECISION, U.S. Bureau of Land Management, Arctic District Office, Alaska, January 11, 1991, which approved and implemented the Utility Corridor Proposed Resource Management Plan and Final Environmental Impact Statement, U.S. Bureau of Land Management, Arctic District Office, Alaska, September 1989(BLM-AK-PT90-002-1610-060C) as presented in Chapter 2 and appendix N.

The Utility Corridor was withdrawn by Public Land Order (PLO) 5150, December 31, 1971, to protect the route of Alaskan North Slope transportations systems to include the Trans-Alaska Pipeline System. The Record of Decision was signed January 11, 1991. The TUP project activities will occur on federal lands managed by BLM Alaska, within the utility corridor.

2. The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions): N/A

Identify applicable NEPA documents and other related documents that cover the proposed action.

1. *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way, U. S. Department of the Interior, Bureau of Land Management Joint Pipeline Office, BLM-AK-PT-03-005-2880-990, November 2002.*

The Final Environmental Impact Statement (FEIS) completed in 2002 identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with renewal of the TAPS Right-of-Way. The FEIS and the Record of Decision (ROD) stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS for an additional 30 years. The FEIS also stated that excavations of buried pipe would result in reductions and prevention of corrosion to the mainline pipe, and that an estimated 15 digs would occur each year, potentially increasing to 20 per year by 2034.

2. *Programmatic Environmental Assessment for TAPS Mainline Activities, U.S. Department of the Interior, BLM Joint Pipeline Office - AK-993-04-001, March 23, 2004.*

An environmental assessment was completed to analyze and document activities that are frequently and routinely proposed by Alyeska to repair, protect, or inspect TAPS along the entire pipeline system. These activities are routine in nature, and do not typically pose impacts that require specific environmental assessment documentation. The EA resulted in a Finding of No Significant Impact (FONSI) that concluded an environmental impact statement was not required and the impact to the physical environment was not expected to be significant. The FONSI stated that routine pipeline maintenance activities that occurred within the existing right-of-way that require additional workspace off the right-of-way, but within the original temporary construction zone of the pipeline would not present an adverse environmental impact. This includes temporary activities to protect pipeline integrity, such as excavations for investigation and repair. The proposed action was not expected to result in undue or unnecessary environmental degradation and would not restrict subsistence activity or resources. The environment would benefit by protecting the integrity and safety of the existing pipeline system and related facilities from corrosion and potential erosive forces.

3. *Final Environmental Impact Statement, Proposed Trans-Alaska Pipeline, Prepared by a Special Interagency Task Force for the Federal Task Force on Alaskan Oil Development, U. S. Department of the Interior, 1972.*

The FEIS completed in 1972 identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with the construction, operation and maintenance of TAPS for the first 30-year term of the grant. The ROD stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA documents? If there are differences, can you explain why they are not substantial?

The proposed action is the same action previously analyzed in the *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, BLM-AK-PT-03-005-2880-990, November 2002. All documents concluded no long term adverse environmental impacts would be expected to occur as the result of the proposed project. The TAPS Renewal EIS of November 2002 stated that excavations of buried pipe would result in reductions and prevention of corrosion to the mainline pipe, and that an estimated 15 digs would occur each year, potentially increasing to 20 by the end of 2034.

2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

The range of alternatives is appropriate with respect to the current proposed action in all of the previously prepared NEPA documents listed above. The TAPS Renewal EIS resulted in a Record of Decision signed January 8, 2003, that stated the FEIS fully analyzed three alternative actions and that BLM also considered additional alternatives set forth in the EIS. The ROD authorized the renewal of the federal TAPS right-of-way for another 30 years, and the FEIS specified that excavations of pipe for corrosion investigations would also continue for this duration.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the new proposed action?

The Record of Decision for the TAPS Renewal FEIS states:

"Pursuant to the Endangered Species Act, the Fish and Wildlife Coordination Act, the Marine Mammal Protection Act and Essential Fish Habitat provision of the Magnuson-Stevens Fishery Conservation and Management Act, the BLM initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Under Section 7 of the Endangered Species Act, the BLM prepared the Biological Evaluation of the Effects of Right-of-Way Renewal for the Trans-Alaska Pipeline System on Threatened and Endangered Species and Designated Critical Habitat (Biological Evaluation), dated June 2002. The Biological Evaluation identified five species of concern within the action area: spectacled eider, Steller's eider, humpback whale, fin whale, and Steller sea lion. It found there was no designated critical habitat within the action area for the TAPS renewal. The Biological Evaluation concluded that the proposed action was not likely to adversely affect the five species or any critical habitat. The National Marine Fisheries Service and the Fish and Wildlife Service each concurred with BLM's determination that the proposed action would not adversely affect the species of concern. BLM prepared an Essential Fish Habitat analysis. The National Marine Fisheries Service concurred that the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act have been satisfied and further concurred with BLM's determination that any short-term adverse effects on Essential Fish Habitat can be adequately avoided, minimized and mitigated by the conservation measures associated with the proposed action. "

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents?

The direct and indirect impacts of the current proposed action do not deviate from the impacts identified in the existing NEPA documents. Site-specific impacts related to the current proposal were sufficiently analyzed in the previous EIS's.

5. Are the public involvement and interagency reviews associated with existing NEPA documents adequate for the current proposed actions?

The public involvement and interagency review associated with the existing NEPA documents are adequate for the current proposed action due to the following:

- a. Public Involvement. The TAPS FEIS for Renewal underwent an exhaustive public involvement process. BLM enlisted all interested stakeholders in the renewal process, including government-to-government involvement with Alaska tribes, state and federal agencies that regulate TAPS activities, and special interest groups affected by TAPS activities. The entire renewal process, including all public hearings and meetings, received extensive coverage by newspaper, television, and radio media.
- b. Interagency Review. During the TAPS Renewal EIS process, BLM coordinated closely with the State of Alaska, as well as all JPO State and Federal stakeholder agencies and other Federal land management agencies, including the U.S. Forest Service and the National Park Service. The TAPS FEIS for Renewal contains interagency reviews by the National Marine Fisheries Service and U.S. Fish and Wildlife, Alaska Region.


E. Persons/Agencies/BLM Staff Consulted

1. Diann Rasmussen, Preparer, Realty Specialist, BLM Office of Pipeline Monitoring
2. Casey Reeves, Reviewer, Realty Specialist, BLM Office of Pipeline Monitoring
3. Bill Hedman, Archaeologist, BLM Fairbanks Field Office
3. Dennis Gnath, Habitat Biologist, Joint Pipeline Office-ADNR
4. Dwight Stuller, Dalton Highway Supervisor, ADOTPF

Note: Refer to the EA/EIS for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.


Signature

Realty Specialist, BLM
Title

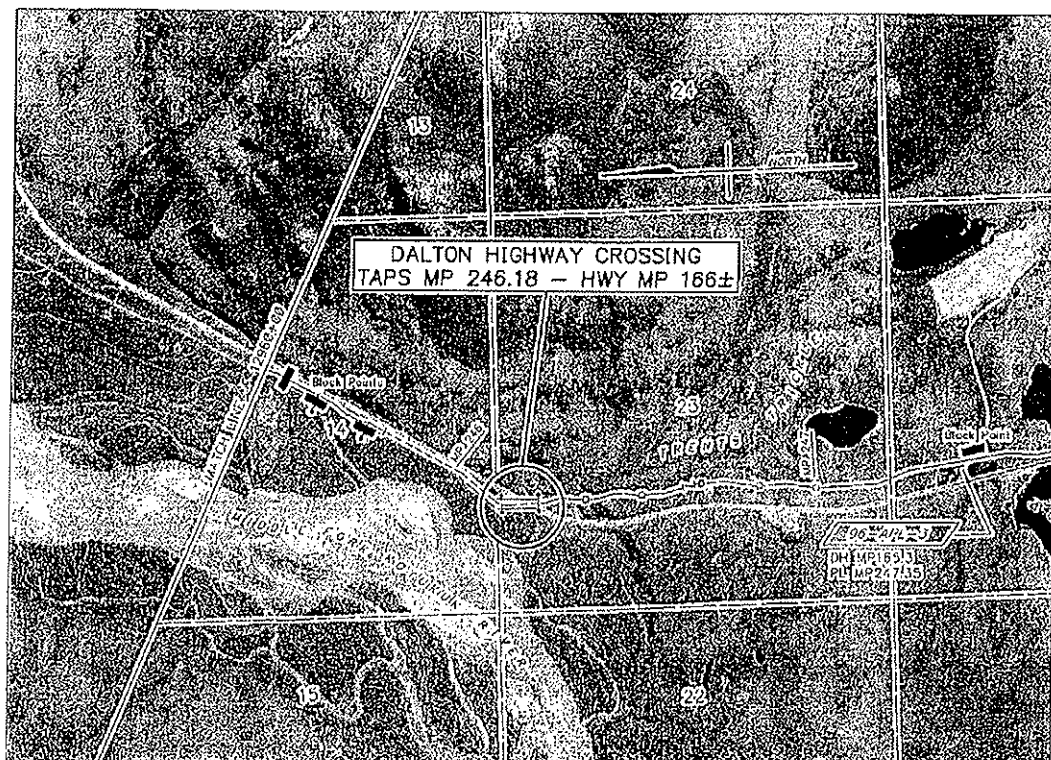
06/18/09
Date


Signature

acting
Authorized Officer, BLM
Title

18 Jun 2009
Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.



C100 ALIGNMENT SHEET:45

LAND OWNER:USA

MERIDIANFAIRBANKS

LATITUDE: 67° 09' 24"

T27N R13W SECTION 23

LONGITUDE: 150° 16' 36"



FOR PERMITTING
PURPOSES ONLY

ALYESKA PIPELINE SERVICE CO.

TRANS ALASKA PIPELINE SYSTEM

DATE. 03-03-09

A-00-PER24618

REV. 0

C

DWN. GSH

CKD, VZK

APPENDIX

SCALE: 1"=2000'

SHEET 1 OF 3

AUTOCAD DWG. DO NOT REVISE MANUALLY.

AA095558

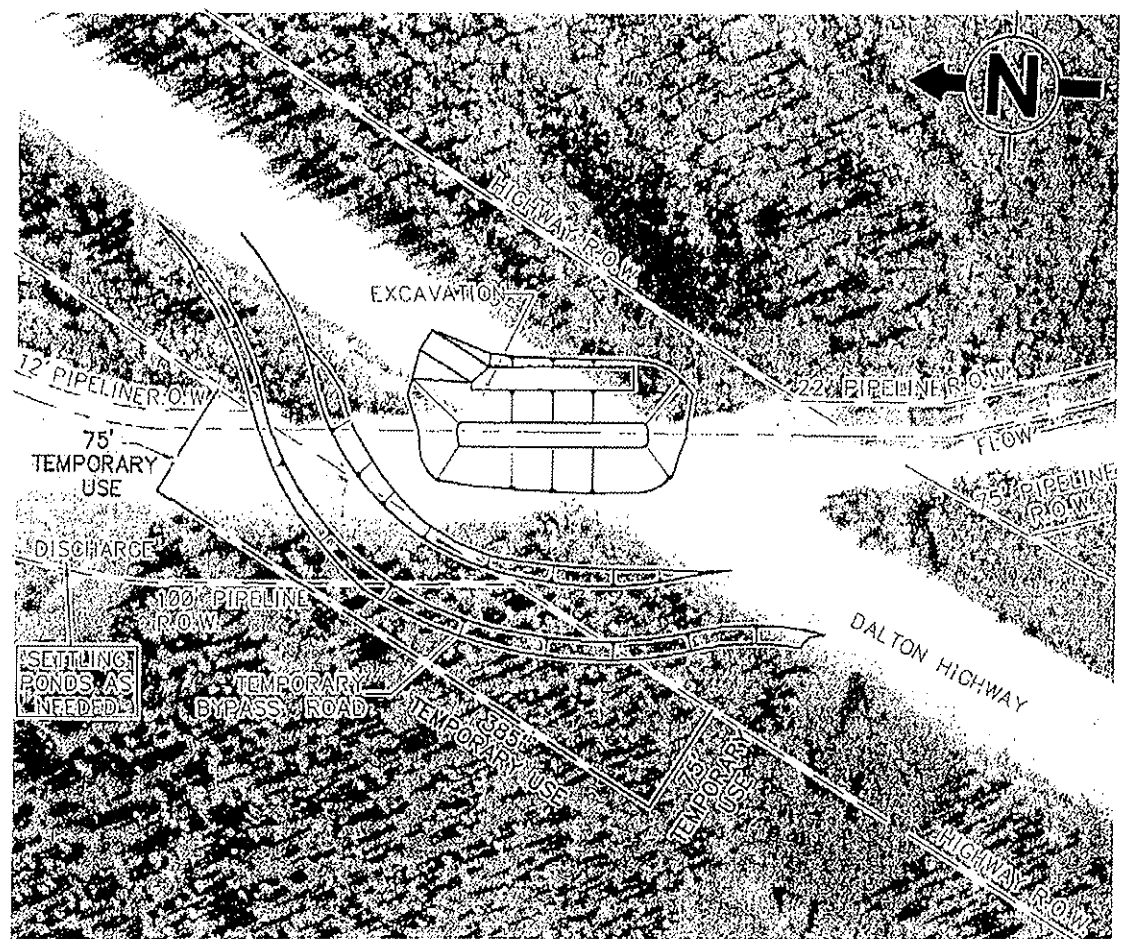
Exhibit 1 – Map 1

CATE: 03-03-09

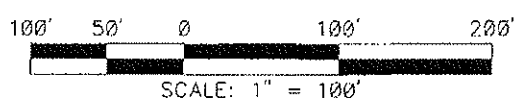
FILE=NUMBER24518510_Y PLOT SCALE: 1=2000

12

AFFECTED BY: -----
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 AFFECTED BY: -----
 AFFECTED BY: -----



ESTIMATED EXCAVATION VOLUME: 5,100 CYs
 ESTIMATED EXCAVATION AREA: 0.26 AC.
 ESTIMATED FILL VOLUME: 4,100 CYs
 ESTIMATED FILL AREA: 0.60 AC.



FOR PERMITTING PURPOSES ONLY

ACTUAL DISCHARGE DIRECTION, LOCATION, SIZE AND NUMBER OF SETTLING PONDS TO BE FIELD DETERMINED ACCORDING TO THE DEWATERING PLAN.

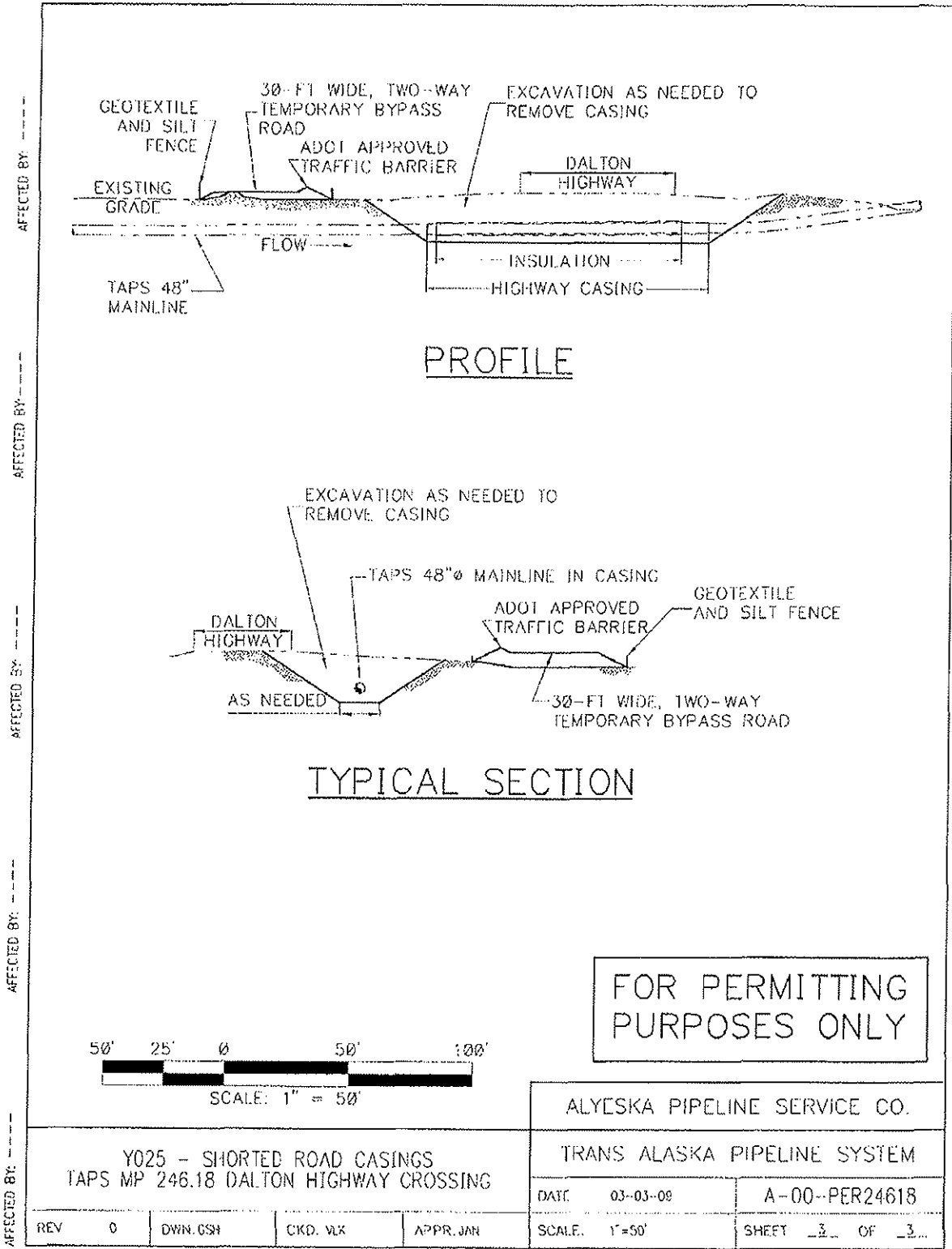
Y025 - SHORTED ROAD CASINGS TAPS MP 246.18 DALTON HIGHWAY CROSSING				ALYESKA PIPELINE SERVICE CO.	
				TRANS ALASKA PIPELINE SYSTEM	
				DATE: 03-03-09	A-00-PER24618
REV. 0	DWN. GSH	CKD. VLK	APPR. JAN	SCALE: 1"=100'	SHEET 2 OF 3

AUTOCAD DWG. DO NOT REVISE MANUALLY.

AA095558

Exhibit 1 – Map 2

DATE: 04-15-09
 FILENAME: R24618S20_Y_PLOT SCALE: 1"=100'



AFFECTED BY: -----
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DATE: 03-03-08
FILENAME: E02461830_Y PLOT SCALE: 1"=50'

AUTOCAD DWG. DO NOT REVISE MANUALLY.

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Exhibit 1 – Map 3